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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/609,585	06/30/2000	William F. Diede	Bell-21APP	2757

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EXAMINER

ANWAH, OLISA

ART UNIT	PAPER NUMBER
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2645

DATE MAILED: 05/19/2004

12

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/609,585

Applicant(s)

DIEDE ET AL.

Examiner

Olisa Anwah

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 April 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-40 is/are pending in the application.
- 4a) Of the above claim(s) 39 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-38 is/are rejected.
- 7) ☒ Claim(s) 40 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

Finality

1. Applicant correctly argues that Wattenbarger teaches away from using a **stored corporate dialer identifier** in the manner recited in the pending claims. Although Wattenbarger teaches a corporate dialer to be used in the event that a name included in the subscriber's record is not detected, Wattenbarger fails to teach **storing a corporate dialer identifier** that identifies the corporate dialer. As opposed to storing a corporate dialer identifier in the subscriber record, Wattenbarger prompts the subscriber for an identifier that identifies the corporate dialer. Hence the finality of the last action is withdrawn.

Claim Rejections - 35 USC § 101

2. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

3. Claim 31 is rejected under 35 U.S.C 101 because the claimed invention is directed to non-statutory subject matter.

According to MPEP 2106, data structures not claimed as embodied in computer-readable media are descriptive material *per se* causing functional change in the computer. See, e.g., *Warmerdam*,

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33 F.3d at 1361, 31 USPQ2d at 1760 (claim to a data structure *per se* held non-statutory) Such claimed data structures do not define any structural and functional interrelationships between the data structure and other claimed aspects of the invention which permit the data structure's functionality to be realized. In contrast, a claimed computer-readable medium encoded with a data structure defines structural and functional interrelationships between the data structure and the computer software and hardware components which permit the data structure's functionality to be realized, and is thus statutory.

Similarly, computer programs claimed as computer listings *per se*, i.e., the descriptions or expressions of the programs, are not physical "things." They are neither computer components nor statutory processes, as they are not "acts" being performed. Such claimed computer programs do not define any structural and functional interrelationships between the computer program and other claimed elements of a computer which permit the computer program's functionality to be realized. In contrast, a claimed computer-readable medium encoded with a computer program is a computer element which defines structural and functional interrelationships between the computer program and the rest of

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the computer which permit the computer program's functionality to be realized, and is thus statutory. Accordingly, it is important to distinguish claims that define descriptive material per se from claims that define statutory inventions.

Claim 31 recites a digital data storage media comprising a record wherein the record comprises identifiers and an entry. The claimed data storage media has no functional interrelationship between itself and other claimed aspects of the invention and does not recite any post-computer process activity or pre-computer process activity.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5. Claims 1 and 2 are rejected under 35 U.S.C § 103(a) as being unpatentable over Furman et al, U.S. Patent No. 6,018,568 (hereinafter Furman) in view of Hanson, U.S. Patent No. 5,802,149 (hereinafter Hanson).

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Regarding claim 1, Furman discloses a voice dialing system for use with the Internet, the system comprising:

a data storage device (204) for storing voice dialing subscriber records, at least one of said voice dialing subscriber records including a plurality of names, a telephone number being associated with each of said names (col. 1, lines 55-60);

a first computer system (101) coupling a voice dialing subscriber to the Internet, a second computer system (102) coupled to the Internet, the second computer system including means for updating a voice dialing information received from the subscriber via the Internet (col. 3, lines 32-40).

Furman discloses a telephone station (104) and all telephone used in making phone calls are coupled to a telephone switch. Therefore Furman teaches the claimed telephone switch.

Furman also teaches means for generating a telephone number corresponding to speech coupled to the telephone switch, the second computer system, and the data storage device (col. 2, lines 20-30).

Furman's voice dialing device reads on the claimed second computer because the voice dialing device is functionally equivalent to the second computer. Like the claimed second computer, the voice dialing device is coupled to the internet

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and voice dialing device includes means for updating a voice dialing subscriber record in response to voice dialing information received from the subscriber via the internet (see col. 3, lines 32-40).

Furman does not disclose a corporate dialer identifier that identifies a corporate dialer to be used in the event that a name included in the subscriber's record is not detected in speech received in regard to a voice dialing call. However Hanson discloses this limitation (column 4). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Furman with the corporate dialer identifier taught by Hanson. This modification allows a subscriber voice dialing record to be updated as suggested by Hanson (column 2).

Regarding claim 2, see col. 2, lines 20-30 and col. 3, lines 32-60 of Furman.

6. Claims 3-8 and 16-19 is rejected under 35 U.S.C § 103(a) as being unpatentable over Furman in view of Hanson in further view of McAllister et al, U.S. Patent No. 5,991,364 (hereinafter McAllister).

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Regarding claim 3, Furman discloses means for generating a speech recognition model from the name of the party included in the received text information (col. 4, lines 8-17). Furman does not disclose the generated speech recognition model is a speaker independent model. "Official Notice" is taken that generating a speaker independent speech recognition model is both old and well known in the art, therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to further modify Furman combined with Hanson with generating a speaker independent speech recognition model. This modification allows stored text names to be matched with voiced names regardless of the speaker as suggested by McAllister (columns 3-6).

Regarding claim 4, see unit 102 from Furman.

Regarding claims 5-7 see column 9 of McAllister.

Regarding claim 8, see col. 4, lines 8-17 of Furman.

Regarding claim 16, Furman discloses a method of implementing a voice dialer, comprising:

receiving first text corresponding to a first name via the Internet (col. 3, lines 32-60);

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generating a first speech recognition model from said first text and storing the first speech recognition model in a storage device (col. 4, lines 8-17);

storing the first speech recognition model as part of a voice dialing subscriber record, said voice dialing subscriber record including a plurality of names, at least one telephone number associated with each name (col. 1, lines 55-60);

associating, in the storage device, a first telephone number with the first speech recognition model (col. 4, lines 32-50).

Furman does not disclose a secondary voice dialer identifier that identifies a secondary dialer to be used in the event that a name included in the subscriber's record is not detected as part of a voice dialing operation in speech received from a user of said subscriber record. However Hanson discloses this limitation (column 4). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Furman with the corporate dialer identifier taught by Hanson. This modification allows a subscriber voice dialing record to be updated as suggested by Hanson (column 2).

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Furman also fails to disclose the generated speech recognition model is a speaker independent model. "Official Notice" is taken that generating a speaker independent speech recognition model is both old and well known in the art, therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to further modify Furman combined with Hanson with generating a speaker independent speech recognition model. This modification allows stored text names to be matched with voiced names regardless of the speaker as suggested by McAllister (columns 3-6).

Regarding claims 17-19, see col. 3, lines 32-40 and col. 4, lines 8-17 of Furman.

7. Claims 9-15 and 20-38 are rejected under 35 U.S.C § 103(a) as being unpatentable over Furman combined with Hanson and McAllister in further view of Beswick et al, U.S. Patent No. 6,462,616 (hereinafter Beswick).

Regarding claim 9, Furman combined with Hanson and McAllister does not disclose the subscriber record includes a plurality of telephone numbers associated with a name of a party or individual, a telephone number identifier being associated with each one of said plurality of telephone numbers. However

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Beswick discloses this limitation (see Figure 7). Therefore it would have been obvious for one of ordinary skill in the art at the time the invention was made to further modify Furman combined with Hanson and McAllister with a system wherein the subscriber record includes a plurality of telephone numbers associated with a name of a party or individual, a telephone number identifier being associated with each one of said plurality of telephone number as taught by Beswick. This modification allows for a subscriber record to store both an ordinary telephone number and a mobile telephone number for a single entry.

Regarding claim 10, see Beswick, Figure 8.

Regarding claim 11, see Beswick, 506.

Regarding claim 12, see Furman, col. 2, lines 60-67.

Regarding claim 13, see Beswick, col. 2, lines 15-25.

Regarding claim 14, see Furman, 102.

Regarding claim 15, see column 9 of McAllister.

Regarding claim 20, as applied in claim 18, the combination of Furman, Hanson and McAllister discloses generating first speaker independent speech recognition model from a first text. This combination does not show generating a second model from second text corresponding to a second name, the second name

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being a nick-name of a party or individual identified by the first name and storing the second model in the storage device, the second model being associated with the first telephone number. However Beswick discloses this limitation (see Figure 8, 814). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to further modify Furman combined with Hanson and McAllister with the nickname taught by Beswick. This modification allows a user to associate a telephone name and number with an alias.

Regarding claim 21, see Beswick, col. 7, lines 46-52.

Regarding claim 22, see Beswick, Figure 7. Beswick's company reads on the claimed text telephone number identifier.

Regarding claims 23 and 24, see Beswick, col. 2, lines 15-25.

Regarding claim 25, see Beswick, col. 2, lines 15-25 and col. 5, lines 1-10.

Regarding claim 26, see Beswick, col. 5, lines 1-10 and Figures 7 and 8.

Regarding claim 27, see Furman col. 2, lines 60-65 and col. 3, lines 35-40.

Regarding claim 28, Furman combined with Hanson, Beswick and McAllister teaches a personal identification number (see Furman, col. 2, lines 60-65). Furman combined with Beswick does not teach the personal identification number is a telephone number associated with the user of the computer system.

"Official Notice" is taken that using a telephone number associated with the user of the computer system as a personal identification number is both well known and old in the art. Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to further modify Furman combined with Hanson, McAllister and Beswick with a system wherein the personal identification number is a telephone number associated with the user of the computer system. This modification allows the user of the computer system to use easy to remember digits as a personal identification number.

Regarding claim 29, see Beswick, Figure 7.

Regarding claim 30, see Beswick, col. 6, line 58 to col. 7, line 3 and column 7, lines 46 to 52. Also see Furman, col. 2, lines 20-30. Also see columns 3-6 of McAllister.

Regarding claim 31, Furman discloses a digital data storage media, comprising:

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a first voice dialing record corresponding to a first voice dialing service subscriber, the first voice dialing record including a first subscriber identifier associated with a voice dialing service subscriber (col. 2, lines 60-67), a first calling entry, the first calling entry including first text corresponding to a first name (col. 3, lines 32-60), a first speech recognition model for recognizing speech corresponding to said first name (col. 4, lines 8-17); a first telephone number associated with said first name (col. 4, lines 32-50).

Furman does not disclose a corporate dialer identifier that identifies a corporate dialer to be used in the event that a name in the first voice dialing record is not detected as part of a voice dialing operation in speech received from a user of said subscriber record. However Hanson discloses this limitation (column 4). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Furman with the corporate dialer identifier taught by Hanson. This modification allows a subscriber voice dialing record to be updated as suggested by Hanson (column 2).

Furman combined with Hanson does not disclose the generated speech recognition model is a speaker independent model.

"Official Notice" is taken that generating a speaker independent

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speech recognition model is both old and well known in the art, therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to further modify the combination of Furman and Hanson with generating a speaker independent speech recognition model. This modification allows stored text names to be matched with voiced names regardless of the speaker as suggested by McAllister (columns 3-6).

Furman combined with Hanson and McAllister does not disclose a first telephone number identifier associated with the first telephone number. However Beswick discloses a first telephone number identifier associated with a first telephone number (see Company, Figure 7). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to further modify the combination of Furman, Hanson, McAllister and Beswick with a first telephone number identifier associated the first telephone number as taught by Beswick. This modification allows a user to store a company name along with an entry as suggested by Beswick (col. 2, line 21).

Regarding claim 32, see Beswick, col. 2, lines 15-25.

Regarding claim 33, see Beswick Figure 8. Also see col. 7, lines 46-52. Furthermore see McAllister, columns 3-6.

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Regarding claim 34, the combination of Furman, Hanson, McAllister and Beswick discloses the first and second telephone number identifiers are names of locations (see Beswick, col. 2, lines 15-25). Furman combined with Hanson, McAllister and Beswick does not disclose the first subscriber identifier is a telephone number associated with the first subscriber. "Official Notice" is taken that using a telephone number associated with the first subscriber as a personal identification number is both well known and old in the art. Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to further modify the combination of Furman, Hanson, McAllister and Beswick with a system wherein the personal identification number is a telephone number associated with the first subscriber. This modification allows the first subscriber to use easy to remember digits as a personal identification number.

Claims 35 and 36 are rejected for the same reasons as claim 31.

Regarding claims 37 and 38, see Figure 7 from Beswick.

Allowable Subject Matter

8. Claim 40 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent

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form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

9. Applicant's arguments have been considered but are deemed to be moot in view of the new grounds of rejection.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Olisa Anwah whose telephone number is 703-305-4814. The examiner can normally be reached on Monday to Friday from 8.30 AM to 6 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on 703-305-4895. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9314 for regular communications and 703-872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

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O.A.

Olisa Anwah

Patent Examiner

May 14, 2004

FAN TSANG
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600

A handwritten signature in black ink, appearing to be 'Fan Tsang', written over the printed name and title.